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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/784,840

02/15/2001

Yakov Kamen

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02/03/2009

HOLLAND & KNIGHT LLP

Attn: Stefan Stein/IP Dept

131 S. DEARBORN STREET

30TH FLOOR

CHICAGO, IL 60603

EXAMINER

BAUTISTA, XIOMARA L

ART UNIT

PAPER NUMBER

2179

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/784,840	<b>Applicant(s)</b> KAMEN ET AL.	
	<b>Examiner</b> X. L. Bautista	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. **Claims 13 and 18** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 13 (line 6) and claim 18 (line 7) recite "...event driven result is associated with the event associated with the image". There is no antecedent basis for "the image" in the independent or dependent claims.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. **Claims 12-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Suzuki** (US 6,611,262 B1) and **Cheng** (US 6,724,407 B1).

Claims 12, 17 and 22:

**Suzuki** discloses a computer-implemented method for *converting information from a uniform resource locator into a texture*. Suzuki discloses a system for editing

and recording a moving picture. Suzuki teaches that with VRML (virtual reality modeling language), it is possible to attach a texture to a 3D (three-dimensional) object (abstract; col. 1, lines 8-20). A node called "Texture" is defined for still pictures and a node called "MovieTexture" is defined for moving pictures. Information on the texture to be attached is described in these nodes (abstract; col. 1, lines 49-67; col. 2, lines 1-19, 48-55).

Suzuki explains that a 3D object is described by using VRML. A scene consisting of a plurality of 3D objects, moving pictures, etc., is described according to VRML. Suzuki teaches that in VRML, texture to be attached to (mapped with) a 3D object is designated by a (uniform resource locator) URL (col. 7, lines 21-29, 40-51; col. 8, lines 20-25).

Suzuki discloses *creating a three-dimensional object using two-dimensional information obtained from the uniform resource locator*. Suzuki teaches that a plurality of images, sounds, or computer data can be handled or displayed in a two-dimensional or three-dimensional space after being subjected to a given conversion process (col. 1, lines 39-43). Suzuki teaches that a rendering circuit attaches texture information to an object at a given position; and the texture can be attached to a certain polygon. Suzuki explains that in transmitting three-dimensional object information, it is necessary to transmit three-dimensional coordinates of each vertex (col. 2, lines 48-55). Suzuki teaches that a natural image (2D) can be handled by describing three-dimensional object using virtual reality modeling language (VMRL), wherein a position is represented by URL expressed in ASCII format (col. 7, lines 19-30, 40-50; col. 8, lines 20-24).

Suzuki does not teach *determining that a virtual three-dimensional space does not exist and in response to determining that the virtual three-dimensional space does not exist, creating a virtual three-dimensional space*. However, **Cheng** discloses a method and system having a three-dimensional (3D) viewing environment generating module. Cheng teaches that when a resource locator (URL) identifying a requested hypermedia resource is received from the network by a computer, the 3D viewing environment generates a 3D viewing environment corresponding to the requested hypermedia resource (col. 2, lines 42-56). Cheng explains that if there is not 3D viewing environment available that corresponds to a requested resource, then the 3D viewing environment generator generates one (col. 3, lines 16-27; col. 7, lines 19-36; col. 8, lines 55-65). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Suzuki's method of handling 2D and 3D viewing environments to include Cheng's teaching of generating a 3D viewing environment when it is not available because a 3D environment provides realistic rendering spaces for experiencing audio and/or visual content and viewing images that have depth so that users, such as a physician can reconstruct a heart and view the structural defects at any angle.

Suzuki/Cheng discloses *creating a virtual 3D space by using pipeline conversion information obtained from the URL and placing the 3D object in the created virtual 3D space; and mapping the texture onto a surface of the 3D object*. Suzuki teaches video objects and nodes describing information relating a surface of an attachment; each

node describes a URL that indicates an address of a corresponding AV (moving image, sound, audio) data file (col. 9, lines 46-67; col. 10, lines 1-7, 16-44; col. 11, lines 20-28; col. 22, lines 1-17). Suzuki teaches using 3D pipeline for converting information obtained from a URL into a texture (col. 1, lines 63-65; col. 2, lines 16-22; col. 5, lines 62-67; col. 6, lines 1-61). Suzuki teaches a client computer that decodes transmitted signal into an original image, sound, or computer data that can be displayed in a 2D or 3D space and are subjected to a conversion process (col. 2, lines 37-47). Cheng teaches a software program that provides instructions for a computer running a 3D browser to provide a viewing environment in a 3D space (col. 2, lines 57-67) and a processor running 3D software (col. 8, lines 55-61).

Claims 13, 18 and 23:

See claim 12. Suzuki/Cheng teaches intercepting an event associated with the texture; locating an area associated with the event; computing 2D coordinates of the area; and placing an event driven result on top of a surface of the 3D object, wherein the event driven result is associated with the event associated with the image (Suzuki: col. 14, lines 1-41).

Claims 14, 19 and 24:

Suzuki teaches that textures may be attached or added to still pictures, moving pictures, and URLs (col. 10, lines 1-7; col. 11, lines 20-29).

Claims 15, 20 and 25:

See claim 12. Suzuki teaches a 3D object having at least one wall (still picture)

that composes the object's surface, wherein the system enables a user to attach texture to an object

Claims 16, 21 and 26:

See claim 12. Suzuki discloses obtaining a 3D coordinate of a surface or area; a browser for displaying a 3D object; and transforming a 3D coordinate into 2D coordinate of the area (col. 2, lines 48-55; col. 10, lines 25-33; col. 16, lines 25-36).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X. L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2179

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/X. L. Bautista/  
Primary Examiner, Art Unit 2179

January 18, 2009